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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,196	06/28/2003	Michelle Jillian Fuwaua	3715-027	7594
22440	7590	12/13/2004	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			SHIN, MARC L	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/609,196	FUWAUSA, MICHELLE JILLIAN	
	Examiner	Art Unit	
	Marc L Shin	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8 and 10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Ueno et al (6,806,644 B2).

Regarding claim 8, Ueno et al discloses a watch including:

- An apparatus case (1) (see Fig 1) that defines an inner space
- Having a peripheral wall (1) (See Fig. 16)
- A crystal (3) (see Fig. 16)
- A bottom (6) (see Fig. 16)
- With a corner zone (12) formed between the peripheral wall (1) and the crystal (3) (see Fig. 16)
- A first radiation emitting device (30) including a radiation source disposed at the corner zone (12) and oriented to direct radiation at the indicia (14 and 15) (see Fig. 16)

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Regarding claim 10, Ueno et al discloses luminescent layers (15) that emit colored lights by reacting to the ultraviolet light emitted by the ultraviolet ray-emitting element (30) (see Fig. 16).

Claim 19 is rejected under 102 (e) as being anticipated by Ueno et al (6,806,644 B2). Ueno et al discloses a watch including:

- A crystal (3) (see Fig. 16)
- A dial (5) disposed under the crystal (3) (see Fig. 16)
- Indicia (14) disposed on the dial (5) (see Fig. 16)
- A radiation emitting device including a radiation source (30) disposed at the corner zone (12) and oriented to direct radiation at the indicia (14) (see Fig. 16).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under Ushikoshi (4,436,435) and Ueno et al. (6,806,644).

Regarding claim 1, Ushikoshi discloses a wristwatch including a case (61) with bottom (60) and a crystal (62) disposed parallel to each other, and a continuous

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sidewall (52b) extending around a case (61), indicia (31) disposed on the watch face (32) (see Fig. 7). Ushikoshi further discloses a display panel (45) inclined with respect to a watch case (61) (see Fig. 3). This reads on a watch face having at least a portion disposed at an angle with respect to the crystal. Ushikoshi does not disclose a radiation emitting device arranged in a case to direct radiation to illuminate the indicia.

Ueno et al teaches a wristwatch with a corner zone (12) formed between the peripheral wall (1) and the crystal (3) (see Fig. 16), a first radiation emitting device (30) including a radiation source disposed at the corner zone (12) and oriented to direct radiation at the indicia (14 and 15) (see Fig. 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wristwatch of Ushikoshi to include the radiation emitting device (30) in a corner zone (12) to direct radiation to illuminate the indicia, as taught by Ueno et al. The motivation would have been to allow the user to view the time while in the dark whenever the user desires.

Regarding claim 2, Ueno et al teaches a sidewall (12) formed with a concave portion (31) and the radiation emitting device (30) disposed in the concave portion (31) (see Fig 16). The concave portion (31) reads on a cavity.

Regarding claim 3, Ueno et al teaches that the ultraviolet ray-emitting element (30) comprises a light-emitting element, such as an ultraviolet ray-emitting diode (LED) (col 8, lines 40-43).

Regarding claim 4, Ueno et al teaches luminescent layers (15) that react to UV lights (col 4, lines 25-26). This reads on indicia formed of a UV sensitive material that renders indicia visible in the presence of UV radiation. Ueno et al further teaches that the radiation emitting device is a UV LED (see col 8, lines 40-43).

Regarding claim 5, Ueno et al teaches that the crystal (3) is coated with a UV reflective material (34) and the device is arranged to generate some radiation toward the crystal (3), which radiation is then reflected toward the watch face (see Fig. 19).

Regarding claim 6, Ueno et al teaches that the case (2) and the watch face (3) are generally circular (see Fig. 2).

Regarding claim 7, Ushikoshi discloses that the case (61) and the watch face (33) are generally square (see Fig. 6).

Claims 9, 11, 13-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ueno et al and Ushikoshi (4,436,435).

Ueno et al discloses a watch comprising a watch face disposed under a crystal, as discussed in claim 8 above. Ueno et al does not disclose that the watch face includes a portion disposed at an angle with respect to the crystal.

Ushikoshi teaches a digital display that is disposed at an angle with respect to the crystal (see Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the watch of Ueno et al to incline the watch face with

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respect to the crystal, as taught by Ushikoshi. The motivation would have been to make the watch face more easily viewable.

Regarding claim 11, Ushikoshi teaches that the watch face includes an analog display which is parallel to the crystal (col 7, lines 33-35) and a digital display which is angled with respect to the crystal (col 1, lines 61 – 64).

Regarding claim 13, Ushikoshi teaches analog display of time (33) and a digital display of time (45) which reads on indicia defining first and second dials (see Fig. 6).

Regarding claim 14, Ushikoshi teaches a separate radiation emitting device (upper light source 30 in Fig. 17) for illuminating a second portion.

Regarding 15, Ushikoshi teaches an analog display portion (33) that is parallel to the crystal (62), which reads on a straight portion disposed parallel to the crystal), and a digital display (45) that is at an angle with respect to the crystal (62) (see Fig 7). Uneo et al teaches a second light source (upper light source 30 in Fig. 17) that can direct radiation to the digital display (45).

Regarding claim 16, Uneo et al discloses that the watch face (5) is parallel to the crystal (3) (see Fig. 3).

Regarding claim 17, Uneo et al discloses that the crystal (3) is coated with a UV reflective material (34) (see Fig 19).

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Claim 12 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Ueno et al (6,806,644) in view of Blackburn (4,884,256).

Ueno et al discloses a watch comprising a face disposed under a crystal, as discussed in claim 8 above. Ueno et al does not disclose that the face includes a first portion and a second portion separate from first portion, both portions being angled with respect to the crystal. Blackburn teaches a watch (10) comprising a watch face (15) that includes a plurality of members (28) which are tilted at an angle with respect to a horizontal plane and which are joined around a central point in a cascading or stepped relationship to form a continuous relationship (col.2, lines 23-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the watch face of Ueno et al to include a plurality of members which are tilted at an angle with respect to a horizontal plane, as taught by Blackburn. The motivation would have been to utilize the three dimensional qualities of Blackburn's invention to allow clearly and accurately an indication of time solely by the construction of the face (see col 1, lines 18-21).

Allowable Subject Matter

2. Claim 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claim 18, the watch face coated with a UV material, in the combination as claimed is not disclosed in the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc L Shin whose telephone number is 571-272-2267. The examiner can normally be reached on M - F 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 ext 36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
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Marc L Shin
Examiner
Art Unit 2836